

Jeopardy Assessment
for the Proposed Incidental Taking Authorization
of the Butler's Gartersnake

Walmart
Village of Germantown, Washington County, Wisconsin

Background

The state-threatened Butler's gartersnake is the smallest of the five Wisconsin gartersnake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's gartersnake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's gartersnake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed Walmart Store project contains a portion of a Tier 3 site that is defined as containing habitat of significant conservation value for the Butler's Gartersnake (See Butler's Gartersnake Conservation Strategy). Some limited incidental taking of the snake may occur as a result of the construction of an access road that is required by the Village of Germantown and habitat restoration. In order to minimize incidental take of the snake, a Conservation Plan was developed for the project and includes the following:

1. Snake fencing was installed along both sides of the roadway corridor prior to snake emergence in 2005. Similar fencing will be installed along both sides of the sewer line installation corridor prior to its construction to minimize take of the snake. Inspection and maintenance are required.
2. The restoration and management of a 75' buffer along all wetlands on the Walmart site is required.

3. The upland and wetland habitat on the southern portion of the Walmart site and the wetland complex owned by WE Energies that is adjacent to this southern portion of the Walmart site shall be enhanced through a multi-year two-phased habitat enhancement plan. This plan has a monitoring component with subsequent management as needed to achieve project goals (see the conservation plan for details).
4. All suitable snake habitat that exists on the Walmart site, with the exception of the acreage lost due to the access road, and all habitat that will be gained or enhanced as a part of implementing the approved conservation plan shall be protect in perpetuity through a Conservation Easement with the WDNR.
5. Maintenance of all suitable snake habitat must be done in accordance with the Department's grassland protocols for Butler's gartersnake conservation.

The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part. In addition, we believe that the conservation measures being implemented on this and the adjoining WE Energies site will likely increase the snake's long-term population due to increasing the acreage of suitable snake habitat and by enhancement of existing upland and wetland habitat on site.